

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.4942 OF 2005

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DATED: 14-09-2007

Between:

Smt N. Padmavathi

.. Petitioner

and

A.P. State Housing Corporation Limited,
Hyderabad, rep. by its Managing Director
and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.4942 OF 2005

ORDER:

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 This writ petition is filed seeking a mandamus declaring the action of the respondents in not releasing the terminal benefits consequent on the death of the husband of the petitioner on 19.08.1998 and also in not providing appointment to the petitioner on compassionate grounds, as arbitrary and illegal.

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 It appears, the husband of the petitioner, while working as Work Inspector (Technical) with A.P. State Housing Corporation Limited, died in harness on 19.08.1998. Now, the grievance of the petitioner is that, after the death of her husband, the death-cum-terminal benefits accrued to his account were not released in her favour till date. Hence, this writ petition.

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 While admitting the writ petition on 15.06.2005, this Court passed an interim order in W.P.M.P.No.6571 of 2005, directing the respondents to release the terminal benefits within a period of four weeks from the date of receipt of a copy of the order.

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 In the counter filed in support of the vacate stay petition filed by the respondents, it is asserted that some disciplinary proceedings were pending against the husband of the petitioner and before completion of that disciplinary proceedings, he died on 19.08.1998. According to the respondents, an Enquiry Officer was also appointed

consequent to the suspension of the husband of the petitioner on 10.08.1996, but the enquiry could not be proceeded with, since the husband of the petitioner died on 19.08.1998. Further, since the husband of the petitioner was involved in some misappropriation of funds, the petitioner is not entitled for any death-cum-terminal benefits on the death of her husband.

I am of the opinion that it is unfortunate that such a stand was taken by the respondents. Even according to the counter filed by the respondents, Enquiry Officer was appointed consequent to the suspension of the husband of the petitioner on 10.08.1996 and till 1998, enquiry could not be concluded. Therefore, the respondents could not have denied the death-cum-terminal benefits accrued to the account of the husband of the petitioner, which the petitioner is entitled to receive. It may also be noticed here that in spite of there being an interim direction passed on 15.06.2005, it seems the respondents have not taken any action in the matter.

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Under these circumstances, the respondents are directed to release the terminal benefits accrued to the account of the husband of the petitioner, in favour of the petitioner, without reference to the disciplinary proceedings initiated against him, which were not concluded, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V. RAMULU, J

14th September, 2007.
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